



STATE OF WASHINGTON
SENTENCING GUIDELINES COMMISSION

PO BOX 40927, OLYMPIA, WA 98504-0927
(360) 407-1050

January 9, 2009

MEMORANDUM

TO: SGC

FROM: Jean Soliz-Conklin

RE: SGC Juvenile Justice Committee Proposal Status Report

Issue A: Declination: Mandatory & Discretionary Adult Jurisdiction over Certain Juvenile Offenders.

Proposal #A1: Set the minimum age for declination at 15, with the exception of Murder 1, Murder 2, Attempted Murder 1, Attempted Murder 2, or Assault 1.

Status: Passed by the Sentencing Guidelines Commission

Proposal #A2: Modify the exclusive original jurisdiction statute (RCW 13.04.030) to remove subpart (1)(e)(v)(D), which currently requires original adult court jurisdiction for a burglary in the first degree where the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses.

Status: Passed by the Sentencing Guidelines Commission

Proposal #A3a: Modify RCW 13.40.110 to eliminate the requirement that a hearing be set for a 15 year old in all Class A felony cases even though seeking adult court jurisdiction is optional

Status: Passed by the Sentencing Guidelines Commission

Proposal #A3b: Allow the court to waive exclusive original jurisdiction upon agreement of the prosecutor and defense counsel, if the court finds that certain criteria are satisfied.

Status: Passed by the Sentencing Guidelines Commission

Issue B: Definition of Juvenile, Once Adult Court Jurisdiction has been Established

Proposal #B1: Eliminate the "once an adult always an adult" rule in RCW 13.40.020(14).

Status: tabled until the January 9, 2009 meeting of the Sentencing Guidelines Commission

Alternative Proposal #B1: Provide a decline hearing in circumstances where a youth was transferred to adult court for a prior offense without a hearing under exclusive adult court jurisdiction provisions and the youth commits a second offense which may be transferred to adult court.

Status: tabled until the January 9, 2009 meeting of the Sentencing Guidelines Commission

Issue C. Juveniles Sentenced to Life without the Possibility of Parole (JLWOP)

Proposal # C1 - Change the law to eliminate the sentencing of juveniles to JLWOP prospectively and retroactively.

Status: tabled until the January 9, 2009 meeting of the Sentencing Guidelines Commission

Alternative Proposal #C1 - Request that DOC provide programming to offenders who committed their crime before age 18, regardless of their status as a Level 16 life-sentenced felon.

Status: tabled until the January 9, 2009 meeting of the Sentencing Guidelines Commission.

ISSUE D. Modify the relief from registration requirements for juveniles.

Proposal #D: Require the Washington State Patrol to provide annual notification to juveniles regarding their rights to be relieved from registration and notification requirements; and provide public defender funding so youth can take advantage of the statutory right to be relieved of these requirements.

Status: Passed by the Sentencing Guidelines Commission



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

PO Box 40927 • Olympia, Washington 98504-0927

(360) 407-1050 • FAX (360) 407-1043

January 9, 2009

MEMORANDUM

TO: SGC

FROM: Jean Soliz-Conklin

RE: Initial Community Custody Workplan

ACTION REQUESTED: Please review and comment.

Question for Consideration:

1. How far ahead should we move during session? (The SGC has sufficient authority and funding to plan, but:
 - legislative support of the policy is critical, at least when the plan is finally approved; and
 - legislation will get stakeholders to the table
2. To what extent does the SGC now need to meet with key stakeholders (counties, cities, unions, etc.) to assure them of involvement and seek their support of the bill.

I. SEEK LEGISLATIVE SUPPORT

Action Step	Deadline	Key Players
1. Bill language	January 11	SGC/SCJA/Staff
2. Code reviser copy	January 15	SGC staff
3. Obtain Sponsors	January 22	SGC/SCJA/Staff
4. Build support <ul style="list-style-type: none">• Meet with key stakeholders to assure them of their involvement	House-of-origin cutoff date	SGC/SCJA/Staff
5. Track and lobby	Through gubernatorial signing	SGC/SCJA/Staff

II. DEVELOPING THE PLANNING PROCESS

<u>Action Step</u>	<u>Deadline</u>	<u>Key Players</u>
Detailed Plan Meeting	February	SGC/SCJA/Staff
Expanded Stakeholder's Meeting – Plan review	March	SGC/SCJA/Staff
SCJA Meeting* (How can the SGC assist?)	March	SCJA
Planning Meetings begin	May	SGC/SCJA/Staff and Invited Representatives

III. PLANNING BUDGET

Assumptions:

1. SGC will offer \$50,000 to pay for a SGC staff lawyer, meeting costs and to offset CCR costs.
2. Additional funds may available from the SGC savings for consulting time from WSIPP, if needed.
3. At least one meeting needs to occur in Spokane, and other regional meetings may be desirable.

Draft #1
SGC Community Custody Bill
January 9, 2009

AN ACT Relating to creating an evidence-based community custody system for adult felons.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The Legislature finds that:

(1) The Sentencing Reform Act of 1981 took effect in 1984 to make the criminal justice system Accountable to the public. By developing a system for the sentencing of felony offenders that structure, but does not eliminate, discretionary decisions affecting sentences, the state's determinate sentencing system helps ensure that the punishment for criminal behavior is proportionate to the seriousness of the offense and the offender's criminal history. The Sentencing Reform Act promotes respect for the law by providing punishment that is just and commensurate with the punishment imposed upon others committing similar offenses. The determinate sentences passed under the SRA are intended to protect the public; offer the offender an opportunity to improve himself or herself; make frugal use of the state's and local government's resources; and reduce the risk of reoffense by offenders in the community. Twenty-two states have adopted determinate sentencing. Washington spends--- in relation to higher education, and ranks--- among the 50 states.

(2) Since passage of the Sentencing Reform Act, the legislature has implemented a community custody system to supervise selected offenders after incarceration or in lieu of incarceration. Felons in community custody are monitored by the Department of Corrections community corrections officers and required to comply with conditions that focus on public safety and activities that are intended to lower the risk of reoffense. An offender is subject to sanctions, including return to incarceration, if conditions are violated.

(3) A wealth of criminal justice research has been conducted in the last decade, identifying which offenders to target and what programs have a positive impact on recidivism. The goals are to increase public safety and produce significant cost savings for the state. In 2007, the legislature passed SB 6157 to increase access to and coordinate offender services, and invested substantial resources. SB 6157 promoted the use of evidence-based and cost-beneficial policy options to alleviate the need to build more prisons, responding to research from the Washington State Institute for Public Policy (WSIPP). (See Steve Aos, Marna Miller, and Elizabeth Drake (2006).

(4) In 2008, the Sentencing Guidelines Commission was directed to continue discussions about community custody with the courts to propose policy changes that will further simplify and improve the Sentencing Reform Act relating to the supervision of offenders. After reviewing the national research in partnership with the Superior Court Judges' Association, the commission recommends the creation of an evidence-based community custody system.

NEW SECTION Sec. 2

(1) The Sentencing Guidelines Commission shall examine options for post-prison and post-jail supervision, or alternatives to incarceration, working with the courts to plan an evidence-based system of community custody for adult felons that will include the consistent use of evidence-based risk/needs assessment tools, programs, supervision modalities and monitoring of program integrity.

(2) The plan for the evidence-based system of community custody shall include provisions for ongoing independent evaluation and annual reports to the legislature regarding the impact on recidivism and other purposes of the Sentencing Reform Act.

(3) When planning the evidence-based system of community custody required by this section, the sentencing guidelines commission shall consult with the following:

- (a) the superior court judge's association;
- (b) the Washington State Institute For Public Policy;
- (c) the Center For Court Research At The Administrative Office Of The Courts;
- (d) the legislature;
- (e) local government
- (f) victim advocate groups;
- (g) prosecutors;
- (h) defense attorneys;
- (i) the Department Of Corrections;
- (j) law enforcement;
- (k) the Washington Federation of State Employees
- (l) any other persons or groups deemed appropriate by the sentencing guidelines commission.

(4) The Sentencing Guidelines Commission shall submit a plan for an evidence-based community custody system for adult felons to the governor and the legislature by December 1, 2009.